

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1–10 are currently pending. Claim 10 is new. No new matter has been added.

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morito (U.S. Patent No. 6,003,577) in view of various web pages referred to as “Korytar (Artopik)”. Prior to discussing this ground of rejection in detail, a brief summary of exemplary embodiments is provided below in order to highlight advantageous characteristics thereof.

Bead-inlaid plates are laid using artificial resin beads, also called tube beads, which comprise short, thick-walled cylindrical tube pieces of different colors. Such bead-inlaid plates can be laid in patterns to form various motifs. Conventionally, computer programs and associated machinery were known which would take an input picture, convert the picture to an electronic format, and use the information provided to automatically place beads on a base to create a bead-inlaid plate. Although such were quick and cheap because they were completely automated, they were also inflexible. According to exemplary embodiments of the present invention, interactive methods and devices for creating patterns for bead-inlaid plates are described. Such interactive methods use a computer and/or associated software as an aid in designing bead-inlaid plate patterns, but also provide a user or designer with the flexibility to adjust the

designs, e.g., by selecting formats and/or selecting individual colors or patterns of colors prior to generating the patterns to be used to create the bead-inlaid plates. Indeed the usefulness and public interest associated with exemplary embodiments of the present invention can be seen, e.g., at <http://www.photopearls.se/newsroom/>.

As discussed in the previous Response, the cited U.S. Patent No. 6,003,577 to Morito corresponds to the European patent application 0 829 378 which is discussed in the Background section of the present specification and is, thus, precisely the type of automated system which is intended to be improved upon by the exemplary embodiments of the present invention. Thus, the primary reference to Morito describes an automated process for manufacturing a bead-inlaid plate or picture, which fails to provide the flexibility of the interactive methods and systems which are described and claimed in the present application. In fact, Morito is clearly most concerned with automating the process as stated, for example, in the Abstract:

“[a] bead-inlaid picture can be manufactured just in accordance with the original image at high quality and at a reduced cost quite automatically without requiring any particular skill.”

Since Morito is concerned with providing an automatic process and system which does not require any “particular skill”, it is not surprising that Morito therefore fails to teach or suggest features of the claimed combinations which provide the interactive nature of bead-inlaid pattern generation according to exemplary embodiments. Among other things, as correctly recognized by the Examiner, Morito fails to teach or suggest:

1) “showing on the monitor a picture of the selected area including the color determined for the square in each square”; and

2) “printing a pattern including the selected colors for the bead-inlaid plate”, as set forth, among other features, in Applicant’s claim 1 combination.

However, it is respectfully submitted that the differences between Morito and Applicant’s claim 1 combination are even deeper than those identified above. For example, Morito also fails to teach or suggest:

3) “showing on the monitor associated with the computer the picture that corresponds to the digital image file”;

4) “selecting on the monitor, using a user input device of the computer, an area of the shown picture for which a pattern is to be created”;

5) “changing, on the monitor, using an user input device of the computer, at least one color quantity for the picture of the selected area and/or changing the color in the individual squares”; and

4) “selecting a format of a bead-inlaid plate”.

Thus, as an initial matter and before turning to the secondary reference, since Morito fails to teach these other features of Applicant’s claim 1 combination, and since the Korytar (Artopik) website is not alleged to teach or suggest these features, it is respectfully submitted that Applicant’s claim 1 combination must be considered to be patentable over any combination of these information sources.

Turning now to the cited Korytar (Artopik) website found at <http://www.artopik.rksoft.sk/> , it is initially noted that there is no evidence that each of the various web pages referred to in the Official Action are, in fact, prior art relative to the present application. The website itself indicates that the last edit date was July 28, 2004, which is AFTER the priority date of the present application of February 3, 2004. Since there is no evidence that any or all of the website pages identified in the Official Action were in fact published prior to Applicant's priority date, this information cannot reasonably be considered to be prior art relative to the present application and cannot, therefore, be used in support of a rejection under 35 U.S.C. §103. The mere reference on the website to a copyright date range of "2002-2004" is insufficient to show that the information being relied upon is prior art relative to the present application. Accordingly, reconsideration and withdrawal of this ground of rejection is also respectfully requested for this reason.

Moreover, even assuming, strictly *arguendo*, that the software product "Artopik" were to be proven to be prior art, it relates to creating patterns for cross-stitch embroidery, i.e. not to creating patterns for bead-inlaid plates. However, it is respectfully submitted that one of ordinary skilled in the art would not have been led to use products or technologies for cross-stitch embroidery for the purpose of bead-inlaid plates, i.e., these are not analogous arts. Consider that bead-inlaid plates belong to the field of play tools for children, whereas cross embroidery is mainly performed by adults. Bead-inlaid plates are rigid objects used for objects such as heat-protecting mats

whereas cross embroidery is used for creating decorative textile, i.e. flexible, objects. Accordingly, even if the "Artopik" website was proven to be prior art (which is not the case), it is respectfully submitted that it is not properly combinable with Morito.

Moreover, even if properly combinable with Morito, Applicant's claim 1 combination would not have resulted. For example, among other things, the steps of "selecting ... an area of the shown picture" and "selecting a format" appears not to be present in the cited software product.

Similar comments apply to Applicant's claim 4 and 6 independent claim combinations.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morito (U.S. Patent No. 6,003,577) in view of various web pages referred to as "Korytar (Artopik)" and further in view of Braun (US 2005/0089247). Claim 9 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morito (U.S. Patent No. 6,003,577) in view of various web pages referred to as "Korytar (Artopik)" and further in view of Niki (US 2003/0050873). However these tertiary references fail to remedy the above-described deficiencies of Morito and Korytar (Artopik). Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

New dependent claim 10 has been submitted which refers to the number of hues involved in the selection process. There is a basic difference between creating bead-inlaid plates and cross-stitch embroidery. In creating bead-inlaid plates a very restricted number of colour hues is available, e.g., 30 different hues as described in the text of the

present application. The resulting pattern is created using only these available hues. In cross-stitch embroidery, however, the number of colour hues is very large, e.g. corresponding to the number of colours generally available in computer pictures, such as colours corresponding to a colour depth or resolution of 24 bits.

In addition to the comments and distinctions provided above, it should be appreciated that, in order to arrive at the claimed combinations, the method and apparatus of Morito must be modified to change the automatic process described by Morito into an interactive process. Such a modification would require, for example, that display and printing devices should be added. Also, corresponding software would have to be developed and added, in particular for showing the pattern and allowing it to be changed, e.g. for each bead, and also for allowing printing in a realistic way. It is respectfully submitted that Morito clearly teaches away from such modifications based on its premise that automated and "low skill" processes are desirable.

All of the objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that this application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, they are invited to contact the undersigned at (540) 361-1863.

Respectfully submitted,

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